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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL R. LOPEZ,

Defendant and Appellant.

D044796

(Super. Ct. No. SCN171734)

APPEAL from a judgment of the Superior Court of San Diego County, Timothy M. Casserly, Judge. Affirmed.

Michael R. Lopez entered a guilty plea to possessing a controlled substance (Health & Saf. Code, § 11377, subd. (a)), driving under the influence of alcohol with two or more prior convictions of driving under the influence of alcohol or reckless driving

(Veh. Code, §§ 23152, subd. (a), 23546, 23103, 23103.5),¹ driving with a blood/alcohol level of .08 percent or higher with two or more prior convictions of driving under the influence of alcohol or reckless driving (§§ 23152, subd. (b), 23546, 23103, 23103.5), driving after his license had been suspended for driving under the influence (§ 14601.2, subd. (a)), and driving without a valid license (§ 12500, subd. (a)). He admitted a strike prior (Pen. Code, §§ 667, subds. (b)-(i), 1170.12, 668) and serving two prior prison terms (Pen. Code, §§ 667.5, subd. (b), 668). The court denied a motion to strike the strike prior and sentenced him to prison for four years: double the two-year middle term for possessing a controlled substance with a strike prior. It struck the two prior prison term enhancements, stayed sentence for driving with a blood/alcohol level of .08 percent or higher (Pen. Code, § 654), and imposed concurrent terms on the remaining convictions. The record does not include a certificate of probable cause. (Cal. Rules of Court, rule 30(b).)

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to

¹ All further statutory references are to the Vehicle Code unless otherwise indicated.

Anders v. California (1967) 386 U.S. 738, counsel refers to as a possible but not arguable issue whether the trial court erred in denying the motion to strike the strike prior.²

We granted Lopez permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Lopez on this appeal.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

McINTYRE, J.

IRION, J.

² Because Lopez entered a guilty plea, he cannot challenge the facts underlying the convictions. (Pen. Code, § 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693.) We need not recite the facts.